In The Press:
Technology Transfer Tactics Turns To Partner Charles R. Macedo For Insight On Trade Secret Protection.

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Recent legislative and legal changes to patent protection paired with enhancements to trade secret protection have many technology transfer executives wondering if foregoing the high cost of patenting in favor of trade secret protection might be a better move in some cases. But while trade secrets may have a legitimate place in a TTO's overall IP tool chest, keep in mind that keeping knowledge under wraps runs directly counter to a university's educational mission, and favoring trade secret protection over patents can stymie licensing efforts, which remain a mainstay of TTO activity and revenue.

The patent environment clearly is changing and policy makers are looking to change it even more. "There's an apparent misplaced view in Congress and maybe at some of the higher courts that patent protection is not good and trade secret protection is," comments Charles R. Macedo, Esq., a partner at Amster Rothstein & Ebenstein LLP, New York. "That's resulting in a cloak over innovation and development. It's precluding the world from knowing what's been developed."

One major factor in a growing negative view of patents is the recent Supreme Court ruling in Alice Corp. v CLS Bank International, in which the justices determined that certain claims about a computer-implemented electronic escrow service involved abstract ideas that were ineligible for patent protection. In Alice, Macedo notes, the Court decision has been read by some to say that "some types of patents were too broad, too extreme, and wouldn't it be better if we didn't have them." It resulted in putting more than 100,000 patents at risk of invalidation, he adds.